

REMARKS

AMENDMENTS

The structure of claim 1 has been replaced, the word "conventional" has been removed therefrom, and claims 4-5 have been canceled. The specification speaks of "conventional processing aids" and "other additives," but not "conventional additives." To forestall any antecedent basis difficulties, applicants request that the phrase "other additives" be reinstated as indicated.

No new matter is introduced thereby, and no additional burden will be placed on the examiner by this amendment. If the examiner disagrees that the present amendments are appropriate for entry after final rejection, applicants respectfully request that the amendments be entered for purposes of appeal.

Applicants submit that the amendments address the examiner's objection to claim 1 and rejections of claims 4-5 under 35 USC §101 and §112.

REJECTION OF CLAIMS 1-3 AND 6 UNDER 35 USC §112, ¶2

The examiner rejects claims 1-3 and 6 under 35 USC §112, ¶2 as being indefinite with regard to the nature and identity of the "other additives" which may be employed. This rejection is respectfully traversed.

Applicants submit that the scope of the invention sought to be patented can be determined from the language of the claims with a reasonable degree of certainty, and therefore a rejection under 35 USC §112, ¶2 is inappropriate. *In re Wiggins*, 488 F.2d 538, 179 USPQ 421 (CCPA 1973); see MPEP §2173.02. "If one skilled in the art would

understand the bounds of the claim when read in light of the specification, then the claim satisfies section 112 paragraph 2.” *Exxon Research and Engineering Co. v. United States*, 60 USPQ2d 1272, 1276 (Fed. Cir. 2001) (*citing Miles Labs., Inc. v. Shandon, Inc.*, 997 F.2d 870, 875, 27 USPQ2d 1123, 1126 (Fed. Cir. 1993)).

Definiteness must be analyzed in light of the content of the application disclosure, the teachings of the prior art, and the claim interpretation that would be given by one of ordinary skill in the pertinent art. Application of each of these to the present claims demonstrates the “reasonable degree of certainty” with which the subject matter is claimed.

The examiner asserts that the present specification gives no indication of the additives considered to be conventional in the art. Office Action of January 5, 2004 2. Applicants do, however, give numerous examples of additives which are contemplated to fall within the present claim scope. See Specification 19:41 to 22:29. The range and identity of additives described in the present specification correspond closely with those described in the prior art, such as in the attached excerpts from Ullmann’s Encyclopedia of Industrial Chemistry. This prior art, as well as other prior art, in turn, informs the understanding of the skilled artisan as to a proper interpretation of the present claim language. Rather than interpreting “other additives” in the present claim context to mean “all materials in existence under the sun,” Office Action of July 25, 2003 2, one of ordinary skill in the art would recognize that only “other additives” appropriate for use in thermoplastics would be contemplated thereby.

Accordingly, the present claim language allows one of skill in the relevant art to

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determine the presently contemplated claim scope with a reasonable degree of certainty, and need be no more specific. Applicants respectfully request that the rejection under 35 USC §112, ¶2 be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, applicants consider that the rejections of record have been obviated and respectfully solicit passage of the application to issue.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read 'David C. Liechty', with a long horizontal flourish extending to the right.

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